

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JEFFREY DELANE BENSON, et al.,

Plaintiffs,

v.

Case No. 20-C-711

KENOSHA COUNTY DETENTION CENTER,

Defendant.

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**ORDER**

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Plaintiffs Jeffrey Delane Benson, Tavaris Cain Sr., Erick King, Xavier Castillo, Kevin L. Jonas, Quincy Butler, Richard L. Garner, Tyler Huffhines, Amedee O’Gorman, Joshing D. Soufs, Anthony Meeks, Brian Walton, and Julion Griffin are currently incarcerated at the Kenosha County Detention Center and have jointly filed a pro se complaint under 42 U.S.C. § 1983 alleging that their civil rights were violated. Although “one pro se litigant cannot represent another,” *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008) (citing 28 U.S.C. § 1654), multiple pro se prisoners may join their claims in a single complaint, *Boriboune v. Berge*, 391 F.3d 852, 855 (7th Cir. 2004). In a multiple prisoner case, however, each prisoner must sign the complaint and individually pay a filing fee. *See Boriboune*, 391 F.3d at 855–56. This means that each prisoner who is granted *in forma pauperis* status is required to pay the statutory filing fee of \$350.00. *Id.*

The cost of filing a civil action in federal court is \$400.00, which includes the \$350.00 statutory filing fee and a \$50.00 administrative fee. The \$50.00 administrative fee does not apply to persons granted *in forma pauperis* status. Only Plaintiff Jeffrey Delane Benson has signed the complaint and submitted a motion for leave to proceed without prepayment of the filing fee. No

plaintiff has submitted the required trust account statement. Therefore, Plaintiffs Tavaris Cain Sr., Erick King, Xavier Castillo, Kevin L. Jonas, Quincy Butler, Richard L. Garner, Tyler Huffhines, Amedee O’Gorman, Joshing D. Soufs, Anthony Meeks, Brian Walton, and Julion Griffin must sign the complaint and pay the \$400.00 filing fee or file a request to proceed without prepaying the filing fee together with a certified copy of his institutional trust account statement for the past six months within 21 days of the date of this order. Plaintiff Benson must submit a certified copy of his institutional trust account statement for the past six months within 21 days of the date of this order. Once these documents are submitted, the court will take under advisement each plaintiff’s motion to proceed without prepayment of the filing fee. Any plaintiff who individually fails to comply with this order will be individually dismissed from this action for failure to prosecute. *See* Fed. R. Civ. P. 41.

**NOTICE TO PLAINTIFFS:** Pursuant to *Boriboune v. Berge*, 391 F.3d 852 (7th Cir. 2004), each plaintiff will be held legally responsible for the complaint, other filings made in the case, and the representations made in those filings. *See* Fed. R. Civ. P. 11. Accordingly, each plaintiff will be subject to sanctions under Fed. R. Civ. P. 11 if such sanctions are found to be warranted in any aspect of the case. *Boriboune*, 391 F.3d at 854–55. Similarly, the “three-strikes rule” will apply to “all claims in the complaint, whether or not they concern” an individual plaintiff personally. *Id.* at 855. Thus, each plaintiff stands to incur a strike pursuant to 28 U.S.C. § 1915(g) if the action is dismissed as frivolous, as malicious, or for failure to state a claim upon which relief may be granted. *Id.*

If you believe you may incur a “strike” under § 1915(g) when the court addresses the merits of this case at a later stage of this litigation and you want to avoid that possibility, you may notify the Clerk of Court within 21 days of the date of this order, stating that you do not wish to continue

this action. If the court receives such notification, you will be dismissed from this case without prejudice, without your incurring a “strike” under § 1915(g), and without your paying the filing fee as previously set forth.

**IT IS THEREFORE ORDERED** that, if Plaintiffs Tavaris Cain Sr., Erick King, Xavier Castillo, Kevin L. Jonas, Quincy Butler, Richard L. Garner, Tyler Huffhines, Amedee O’Gorman, Joshing D. Soufs, Anthony Meeks, Brian Walton, and Julion Griffin wish to proceed with this case, they must sign the complaint and pay the \$400.00 filing fee or file a request to proceed without prepaying the filing fee (form enclosed) together with a certified copy of his institutional trust account statement for the past six months within 21 days of the date of this order or be dismissed from this suit for failure to prosecute. *See Fed. R. Civ. P. 41.*

**IT IS FURTHER ORDERED** that Plaintiff Benson must submit a certified copy of his institutional trust account statement for the past six months within 21 days of the date of this order or be dismissed from this suit for failure to prosecute. *See Fed. R. Civ. P. 41.*

**IT IS FURTHER ORDERED** that the plaintiffs must return the form regarding magistrate jurisdiction (enclosed) within 21 days of the date of this order.

Dated at Green Bay, Wisconsin this 13th day of May, 2020.

s/ William C. Griesbach  
William C. Griesbach, District Judge  
United States District Court